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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,491	10/27/2003	Dong-Min Kim	P2046US	4281
8968 7590 07/23/2008 DRINKER BIDDLE & REATH LLP ATTN: PATENT DOCKET DEPT. 191 N. WACKER DRIVE, SUITE 3700 CHICAGO, IL 60606			EXAMINER HERNANDEZ, NELSON D	
			ART UNIT 2622	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/694,491

**Applicant(s)**

KIM, DONG-MIN

**Examiner**

Nelson D. Hernández

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because in Fig. 11, step 404, the word "SELETED" should be written as "SELECTED". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Response to Amendment***

1. The Examiner acknowledges the amended claims filed on April 17, 2008.

**Claims 1-40** have been canceled. **Claims 41-60** have been newly added.

***Response to Arguments***

2. Applicant's arguments with respect to claims 41-60 have been considered but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 48** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **Claim 48** recites the step of determining whether the user has set an impaired vision mode comprises the steps of: if the impaired vision mode is determined not to be set by the user, prompting the user regarding setting the impaired vision mode; and if the impaired vision mode is determined to be set by the user, prompting the user regarding unsetting the impaired vision mode. Although the Specifications of the present Application has support for selecting or de-selecting the impaired vision mode, the Specifications does not appear to have support for prompting

the user to set or unset the impaired vision mode based on a determination of whether the impaired vision mode is set or not.

5. **Claim 54** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **Claim 54** recites the step of determining whether the user has set an impaired vision mode comprises the steps of: if the impaired vision mode is determined not to be set by the user, prompting the user regarding setting the impaired vision mode; and if the impaired vision mode is determined to be set by the user, prompting the user regarding unsetting the impaired vision mode. Although the Specifications of the present Application has support for selecting or de-selecting the impaired vision mode, the Specifications does not appear to have support for prompting the user to set or unset the impaired vision mode based on a determination of whether the impaired vision mode is set or not.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 41, 45-49, 54, 55, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 in view of Sciammarella et al., US Patent 7,051,291 B2 and further in view of Frank et al., US 6,384,840 B1.**

**Regarding claim 41**, Nishigaki discloses a method for altering a digital camera display (Fig. 3: DSP) to facilitate viewability, the method comprising the steps of: displaying indicia on a display screen of the digital camera (See figs. 1 and 2), the indicia including a first indicium and a second indicium (See a plurality of indicium as shown in figs. 1 and 2); detecting selection of the first indicium by a user (See menu item selected as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013; this teaches detecting selection of the first indicium as claimed); magnifying the first indicium (See magnified selected menu item as shown in fig. 1a; see English Translation, page 4, ¶ 0012-0013; page 5, ¶ 0018 - page 6, ¶ 0019; page 8, ¶ 0026-0027).

Nishigaki does not explicitly disclose that if selection of the first indicium by a user is detected, determining whether an impaired vision mode is set; if an impaired vision mode is determined to be set, performing steps of: superimposing the first indicium on the second indicium; magnifying the first indicium to conceal an entirety of

the second indicium; and reducing an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium.

However, Sciammarella et al. discloses a method for altering an electronic device display (See fig. 19), the method comprising the steps of: (a) displaying indicia on a display screen of the electronic device, the indicia including a plurality of indiciums (such as digital image files, digital audio files, text files, executable programs, program files, and movie files); (b) determining whether a user has selected a first indicium (See indicium representing image 173.JPG selected as shown in fig. 19); (c) determining whether an impaired vision mode is set (The examiner is reading the arrangement shown in fig. 19 as the impaired vision mode from the different types of display arrangements as shown in figs. 1-4, 15 and 17-19 that can be set by the user; Col. 3, line 15—col. 4, line 29); (d) if the impaired vision mode is set, magnifying the selected menu item (See indicium representing the image 173.JPG selected magnified in the center of the display area ) (Col. 3, line 15—col. 4, line 29; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49). Sciammarella et al. discloses further discloses that the data is displayed as a sequence, said sequence arrange such that a data object of interest is magnified so that the user can get a closer look, said data object being magnified to occupy a substantially entirety of the display area while the previously selected indicium returns to the smaller size characteristic of the unselected indiciums in the layout (See fig. 9; this teaches magnifying the first indicium to conceal an entirety of the second indicium since there will be other indiciums concealed by the selected indicium as shown in fig. 19) (Col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49).

Therefore, taking the combined teaching of Nishigaki in view of Sciammarella et al. as a whole, one of an ordinary skill in the art at the time the invention was made would note the advantages of magnifying the data objects in the Sciammarella et al. so that a user can get a closer look of a particular data object and would find obvious to use the teaching of Sciammarella et al. to the modify Nishigaki, to determine whether an impaired vision mode is set if selection of the first indicium by a user is detected; and if an impaired vision mode is determined to be set, performing the steps of: superimposing the first indicium on the second indicium; and magnifying the first indicium to conceal an entirety of the second indicium. The motivation to do so would have been to further improve the method for altering a digital camera display by allowing the user to get a closer look of a selected item of interest as suggested by Sciammarella et al. (Col. 9, line 51 – col. 10, line 49).

The combined teaching of Nishigaki in view of Sciammarella et al. fails to teach reducing an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium.

However, Frank et al. discloses a method and apparatus for presenting information in a display system using transparent windows, wherein when a window having a particular information or program is selected from a plurality of windows displayed in a display device (See figs. 7, 8, 10) is selected, said selected window would show on top of the other windows with a transparency level that can be selected by the user so that even when the selected window is on top of another window, the information of the window in the background can also be shown through the selected window (See figs. 7-10) (Col. 5, line 35 - col. 6, line 65; col. 8, line 19 - col. 10, line 56).



Therefore, taking the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as a whole, it would have been obvious to one of an ordinary skill in the art to apply the concept of apply a transparency to a selected window form a plurality of windows so that the information of windows covered by the selected window can also be displayed as taught in Frank et al. to modify the teaching of Nishigaki and Sciammarella et al. to reduce an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium. The motivation to do so would have been to increase the usable area of a display by permitting otherwise obscured indicium data to be visible to, and operated on, by the user as suggested by Frank et al. (Col. 10, lines 35-45).

**Regarding claim 45**, limitations have been discussed and analyzed in claim 41.

**Regarding claim 46**, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41 further teaches displaying the first indicium in a first portion of the display screen and displaying the second indicium in a second portion of the display screen, the second portion being different than the first portion (by sequentially displaying the indiciums so that the selected indicium would appear in the center of the display area (Sciammarella et al., col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49), Sciammarella et al. discloses displaying the first indicium in a first portion of the display screen and displaying the second indicium in a second portion of the display screen, the second portion being different than the first portion). Grounds for rejecting claim 41 apply here.

**Regarding claim 47**, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41 further teaches deleting the first indicium from the first portion; substantially simultaneously with the deleting step, displaying the first indicium in the second portion; and maintaining the second indicium in the second portion (by sequentially displaying the indiciums so that the selected indicium would appear in the center from a previous position different than the center of the display area (Sciammarella et al., col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49), Sciammarella et al. discloses deleting the first indicium from the first portion; substantially simultaneously with the deleting step, displaying the first indicium in the second portion; and maintaining the second indicium in the second portion). Grounds for rejecting claim 41 apply here.

**Regarding claim 48**, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41 further teaches that if the impaired vision mode is determined not to be set by the user, prompting the user regarding setting the impaired vision mode; and if the impaired vision mode is determined to be set by the user, prompting the user regarding unsetting the impaired vision mode (in Sciammarella et al., since the windows show a selection of different menus (See fig. 18) so that the user can change the arrangement of the indiciums in the display area whether the impaired vision mode is selected or not (Col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 – col. 10, line 49), Sciammarella et al. further discloses that if the impaired vision mode is determined not to be set by the user, prompting the user regarding setting the impaired vision mode; and if the impaired

vision mode is determined to be set by the user, prompting the user regarding unsetting the impaired vision mode). Grounds for rejecting claim 41 apply here.

**Regarding claim 49**, limitations of claim 48 are taught Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41.

**Regarding claim 54**, limitations have been discussed and analyzed in claim 48.

**Regarding claim 55**, limitations of claim 55 are taught Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as discussed and analyzed in claim 41.

**Regarding claim 59**, limitations have been discussed and analyzed in claim 41.

**Regarding claim 60**, limitations have been discussed and analyzed in claim 47.

**8. Claims 42, 43, 50, 51, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 and Sciammarella et al., US Patent 7,051,291 B2 in view of Frank et al., US 6,384,840 B1 and further in view of Miyao, US Patent 6,466,237 B1.**

**Regarding claim 42**, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. fails to teach that if a predetermined set time has elapsed after the reducing step, displaying the first indicium in a position the indicium occupied prior to the superimposing; increasing the opacity of the first indicium to an opacity the indicium had prior to the reducing step; and returning the first indicium to a pre-superimposing step size.

However, Miyao et al. teaches an electronic apparatus (See fig. 1), wherein upon operation of an operation panel (Fig. 1: 24), the user is able to set the display of the apparatus to sequentially display a plurality of icons, wherein a selected icon is magnified for a predetermined set time and when said predetermined set time has elapsed (See figs. 6-8, 17, 18, 20 and 24), would automatically return to a smaller size so that the icon of interest would be easier to observe for the user. Miyao also discloses that when sequentially displaying the icons said icons are magnified for a predetermined amount of time and then reduced in size while a next icon is magnified in a motion forming a ring, wherein the user can adjust the predetermined set time that the icon is magnified (Col. 11, line 23 – col. 13, line 62; col. 14, line 46 – col. 16, line 20).

Therefore, since the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. as a whole teaches that when an indicium is selected, the previously selected indicium would return to the original position and size and also the transparency of the indicium would be changed, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the concept of having a selected icon being magnified for a predetermined set time and when said predetermined set time has elapsed, automatically return to a smaller size so that the icon of interest would be easier to observe for the user as a taught in Miyao to modify the teaching of Nishigaki, Sciammarella et al. and Frank et al. to display the first indicium in a position the indicium occupied prior to the superimposing if a predetermined set time has elapsed after the reducing step; returning the first indicium to a pre-superimposing step size and to increase the opacity of the first indicium to an opacity the indicium had prior to the reducing step in addition to returning the first

indicium to a pre-superimposing step size. The motivation to do so would have been to easily visually identify icons and those icons behind the thumbnail file on the foreground are partially displayed, thereby allowing the user to obtain some information on the icons in the back as suggested by Miyao et al. (Col.2, lines 42-53).

**Regarding claim 43**, limitations have been discussed and analyzed in claim 42.

**Regarding claim 50**, limitations have been discussed and analyzed in claim 42.

**Regarding claim 51**, limitations have been discussed and analyzed in claim 42.

**Regarding claim 56**, limitations have been discussed and analyzed in claim 42.

**Regarding claim 57**, limitations have been discussed and analyzed in claim 42.

**9. Claims 44, 52, 53 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki, JP 11-196297 and Sciammarella et al., US Patent 7,051,291 B2 in view of Frank et al., US 6,384,840 B1 and further in view of Horvitz et al., US Patent 5,880,733.**

**Regarding claim 44**, the combined teaching of Nishigaki in view of Sciammarella et al. and further in view of Frank et al. fails to teach detecting whether a user has actuated a movement button; and if the user has actuated a movement button, detecting whether a marker that is movable relative to the movement button is positioned on the first indicium.

However, Horvitz et al. discloses a display system wherein menu indiciums (windows as shown in fig. 1, 3, 4a, 4b, 4c, 5a, 5b and 5c), wherein said indiciums can be arranged such that if a particular indicium of the indiciums of the sides of the display is selected, said indicium is deleted from a first position and displayed a central position

of the display while the other indiciums are maintained at their particular position providing an easy method to navigate through different menus (Col. 3, lines 1-10; col. 4, line 55 – col. 5, line 45; col. 10, line 40 – col. 11, line 64; col. 13, line 51 – col. 14, line 66; col. 15, lines 14-27). Horvitz et al. further discloses that the display system changes the shape of a marker (mouse cursor (arrow)) when the cursor is placed over the different indiciums (windows) and that the cursor would change its shape in response to the detected position over said indicium (Horvitz et al., col. 19, line 65 – col. 21, line 38; this teaches detecting whether a user has actuated a movement button; and if the user has actuated a movement button, detecting whether a marker that is movable relative to the movement of the movement button is positioned on the first indicium) (Col. 3, lines 1-10; col. 4, line 55 – col. 5, line 45; col. 10, line 40 – col. 11, line 64; col. 13, line 51 – col. 14, line 66; col. 15, lines 14-27).

Therefore, after considering the teaching of Nishigaki and Sciammarella et al. in view of Frank et al. and further in view of Horvitz et al. as a whole, one of an ordinary skill in the art at the time the invention was made would consider the advantages of having a display method wherein the icons are arranged such that a selected one would appear in the center after selection while the rest of the icons are shown on the boundaries as taught by Horvitz et al. and would find obvious to modify Nishigaki, Sciammarella et al. and Frank et al. to detect whether a user has actuated a movement button; and if the user has actuated a movement button, detecting whether a marker that is movable relative to the movement button is positioned on the first indicium. The motivation to do so would have been to further improve the method for altering a digital

camera display by providing an easy method to navigate through different menus where said user can switch to another icon without having to closer a previously selected icon.

**Regarding claim 52**, limitations have been discussed and analyzed in claim 44.

**Regarding claim 53**, limitations have been discussed and analyzed in claim 44.

**Regarding claim 58**, limitations have been discussed and analyzed in claim 44.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernández  
Examiner  
Art Unit 2622

NDHH  
July 18, 2008

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622